

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 1-8 are pending and under consideration. This response is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this response is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding:

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the response does not alter the scope of the claims and places the application at least into a better form for purposes of appeal and because the Examiner has newly cited a reference in rejecting the claims. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 2-3, claims 1-4 were rejected under 35 USC § 103(a) as being unpatentable over Fiora (U.S. Patent No. 6,014,909) in view of Applicants’ admitted prior art (AAPA).

The combination of Fiora and AAPA does not discuss or suggest:

wherein said laying device comprises a straight relay connector for relaying an arm side section of the line element, extending through said hollow portion out of a lead-out opening formed on a side of said rotation shaft member, to a tool side section of the line element extending from the tool, so that a direction in which said straight relay connector connects the line element is substantially parallel to said tool mount surface and forms an angle other than 0° with regard to a radial direction perpendicular to the rotation axis,

as recited in claim 1. In other words, the invention of claim 1 provides for a straight relay connector for relaying the arm side section of the line element to the tool side section of the line element, wherein the direction of connection is both substantially parallel to the tool mount

surface and forms an angle other than zero degrees with a radial direction perpendicular to the rotation axis. Thus, the invention of claim 1 provides an interference area that is smaller than the conventional relaying portion. The Examiner, at pages 3 and 6 of the Office Action, indicates that straight relay connectors could be substituted for the elbow connectors 57 of Fiora in order to achieve the invention of claim 1. However, this is submitted to be incorrect. Referring to Fig. 4 of Fiora, if the elbow connectors 57 of Fiora were replaced with straight relay connectors, then the configuration illustrated in Fig. 5 of the present application would result. Such a configuration does not provide for a direction of connection that forms an angle other than zero degrees with a radial direction perpendicular to the rotation axis. As such, this suggested combination would result in a larger interference area, which is contrary to the invention of claim 1. Applicants are unclear as to what the Examiner means when he suggests, at page 6 of the Office Action, that the elbow connectors of Fiora could be replaced with straight relay connectors in the same direction as the relay portion located near character 58. Such a suggested configuration does not seem functional and, even if such a configuration were possible, it is submitted that such a configuration would not provide a direction of connection that is substantially parallel to the tool mount surface 20 of Fiora. Therefore, the Examiner's suggested combination of Fiora and AAPA does not provide that a direction in which said relay connector connects the line element is substantially parallel to said tool mount surface and forms an angle other than 0° with regard to a radial direction perpendicular to the rotation axis, as claimed in claim 1.

Since the combination of Fiora and AAPA does not discuss or suggest all of the features of claim 1, claim 1 patentably distinguishes over Fiora and AAPA. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 2-4 depend either directly or indirectly from claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-4 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 3-4, claim 7 was rejected under 35 USC § 103(a) as being unpatentable over Fiora and AAPA and further in view of Szydel (U.S. Patent No. 5,777,267).

As discussed above, the combination of Fiora and AAPA does not discuss or suggest all of the features of claim 1. Szydel fails to make up for this deficiency. Specifically, Szydel does not discuss or suggest:

wherein said laying device comprises a straight relay connector for relaying an arm side section of the line element, extending through said hollow portion out of a lead-out opening formed on a side of said rotation shaft member, to a tool side section of the line element extending from the tool, so that a direction in which said relay connector connects the line element is substantially parallel to said tool mount surface and forms an angle other than 0° with regard to a radial direction perpendicular to the rotation axis,

as recited in claim 1, so that claim 1 patentably distinguishes over Fiora, AAPA, and Szydel. Claim 7 depends directly from claim 1 and includes all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 7 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 4-5, claims 1-4 were rejected under 35 USC § 103(a) as being unpatentable over Fiora (U.S. Patent No. 6,014,909) in view of Saba (U.S. Patent No. 5,454,737).

Saba has been cited by the Examiner merely as an example of a straight relay connector. The Examiner indicates that straight relay connectors of Saba could be substituted for the elbow connectors 57 of Fiora in order to achieve the invention of claim 1. However, this is submitted to be incorrect for the same reasons as discussed above with respect to AAPA. Therefore, the Examiner's suggested combination of Fiora and Saba does not provide that a direction in which said relay connector connects the line element is substantially parallel to said tool mount surface and forms an angle other than 0° with regard to a radial direction perpendicular to the rotation axis, as claimed in claim 1.

Since the combination of Fiora and Saba does not discuss or suggest all of the features of claim 1, claim 1 patentably distinguishes over Fiora and Saba. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 2-4 depend either directly or indirectly from claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-4 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 3-4, claim 7 was rejected under 35 USC § 103(a) as being unpatentable over Fiora and Saba and further in view of Szydel.

As discussed above, the combination of Fiora and Saba does not discuss or suggest all of the features of claim 1. Szydel fails to make up for this deficiency. Specifically, Szydel does not discuss or suggest:

wherein said laying device comprises a straight relay connector for relaying an arm side section of the line element, extending through said hollow portion out of a lead-out opening formed on a side of said rotation shaft member, to a tool side section of the line element extending from the tool, so that a direction in which said relay connector connects the line element is substantially parallel to said tool mount surface and forms an angle other than 0° with regard to a radial direction perpendicular to the rotation axis,

as recited in claim 1, so that claim 1 patentably distinguishes over Fiora, Saba, and Szydel. Claim 7 depends directly from claim 1 and includes all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 7 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

II. Withdrawn Claims

Claims 5-6 and 8 have been withdrawn as directed toward a non-elected species. Claims 5-6 and 8 each depend directly from claim 1. As discussed above, claim 1 patentably distinguishes over the cited prior art and is now in a condition suitable for allowance. Since claim 1 is a generic claim, as acknowledged by the Examiner in the Office Action mailed March 27, 2007, Applicants respectfully request consideration of claims 5-6 and 8.

III. Interview Request

Applicants respectfully request a telephone interview between Applicants' representative, the undersigned, and the Examiner at the Examiner's earliest convenience, in order to discuss the arguments presented in the current response. The undersigned can be reached by telephone directly at (202) 454-1583.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2-26-08

By: 
Aaron C. Walker
Registration No. 59,921

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501